

United States Courts
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

February 07, 2024

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

§

§

v.

§

CRIMINAL NO.: **4:24-cr-0071**

§

Derick Keith Andrus

§

INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment, JACK IN THE BOX, is a San Diego, California based company engaged in the business of retail purchase and sales of consumer goods which are shipped in interstate commerce and which affect interstate commerce.

At all times material to this Indictment, JAMES CONEY ISLAND, is a Houston, Texas based company engaged in the business of retail purchase and sales of consumer goods which are shipped in interstate commerce and which affect interstate commerce.

At all times material to this Indictment, GNC, is a Pittsburgh, Pennsylvania based company engaged in the business of retail purchase and sales of consumer goods which are shipped in interstate commerce and which affect interstate commerce.

COUNT ONE

Title 18, United States Code, § 1951(a)-Interference with
Commerce by Robbery

On or about November 28, 2023, in the Houston Division of the
Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly and intentionally obstruct, delay,
and affect interstate commerce and the movement of articles and
commodities in commerce by means of robbery, as the terms
"commerce" and "robbery" are defined in Title 18, United States
Code, §§ 1951(b)(1) and (b)(3), in that the defendant did
unlawfully take and obtain the property of Jack in the Box, located
at 5757 Hollister Road, Houston, Texas, which was in the possession
and custody of an employee of Jack in the Box, namely, United
States currency, by means of actual and threatened force, violence,
and fear of injury to those in lawful possession of those items.

In violation of Title 18, United States Code, § 1951(a).

COUNT TWO

Title 18, United States Code, § 924(c)(1)(A)-Brandishing of a
Firearm During and in Relation to a Crime of Violence

On or about November 28, 2023, in the Houston Division of
the Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly brandish a firearm, namely, a handgun, during and in relationship to a crime of violence for which he may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, § 924(c) (1) (A) (ii).

COUNT THREE

Title 18, United States Code, § 1951(a)-Interference with
Commerce by Robbery

On or about December 2, 2023, in the Houston Division of the Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly and intentionally obstruct, delay, and affect interstate commerce and the movement of articles and commodities in commerce by means of robbery, as the terms "commerce" and "robbery" are defined in Title 18, United States Code, §§ 1951(b) (1) and (b) (3), in that the defendant did unlawfully take and obtain the property of James Coney Island, located at 5705 Hollister Road, Houston, Texas, which was in the possession and custody of an employee of James Coney Island, namely, United States currency, by means of actual and threatened

force, violence, and fear of injury to those in lawful possession of those items.

In violation of Title 18, United States Code, § 1951(a).

COUNT FOUR

Title 18, United States Code, § 924(c) (1) (A)-Brandishing of a Firearm During and in Relation to a Crime of Violence

On or about December 2, 2023, in the Houston Division of the Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly brandish a firearm, namely, a handgun, during and in relationship to a crime of violence for which he may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, § 924(c) (1) (A) (ii).

COUNT FIVE

Title 18, United States Code, § 1951(a)-Interference with Commerce by Robbery

On or about December 7, 2023, in the Houston Division of the Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly and intentionally attempt to obstruct, delay, and affect interstate commerce and the movement of articles and commodities in commerce by means of robbery, as the terms "commerce" and "robbery" are defined in Title 18, United States Code, §§ 1951(b)(1) and (b)(3), in that the defendant did attempt to unlawfully take and obtain the property of GNC located at 5770 Hollister Road, Houston, Texas, which was in the possession and custody of an employee of GNC, namely, United States currency, by means of actual and threatened force, violence, and fear of injury to those in lawful possession of those items.

In violation of Title 18, United States Code, § 1951(a).

COUNT SIX

Title 18, United States Code, §§ 1951(a)-Interference with
Commerce by Robbery

On or about December 9, 2023, in the Houston Division of the Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly and intentionally obstruct, delay, and affect interstate commerce and the movement of articles and commodities in commerce by means of robbery, as the terms "commerce" and "robbery" are defined in Title 18, United States Code, §§ 1951(b)(1) and (b)(3), in that the defendant did

unlawfully take and obtain the property of Jack in the Box, located at 5757 Hollister Road, Houston, Texas, which was in the possession and custody of an employee of Jack in the Box, namely, United States currency, by means of actual and threatened force, violence, and fear of injury to those in lawful possession of those items.

In violation of Title 18, United States Code, § 1951(a).

COUNT SEVEN

Title 18, United States Code, § 924(c) (1) (A)-Brandishing of a
Firearm During and in Relation to a Crime of Violence

On or about December 9, 2023, in the Houston Division of the Southern District of Texas,

DERICK KEITH ANDRUS

defendant herein, did knowingly brandish a firearm, namely, a handgun, during and in relationship to a crime of violence for which he may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, § 924(c) (1) (A) (ii)

NOTICE OF CRIMINAL FORFEITURE

Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the United States of America hereby gives notice that the firearm(s), involved in violation of Title 18, United States Code, Section 924 as charged in the indictment, are subject to forfeiture, including, but not limited to, the following:

1. 9mm Smith and Wesson SD9
2. Glock 21 pistol with flashlight mounted
3. Any and all accompanying magazines and ammunition

A TRUE BILL:

Original Signature on File

FOREMAN OF THE GRAND JURY

Alamdar S. Hamdani
United States Attorney

BY: *Jill Stotts*
Jill Jenkins Stotts
Assistant United States Attorney